

than the Federal regulations at 30 CFR 816.43(d) and 817.43(d).

With regard to the second comment, the Secretary finds that condition (d) does not require changes to the Virginia counterpart to 30 CFR 816.43 (f)(4). However, in a meeting on September 21-22, 1981 (Administrative Record No. VA 314, page 5), Virginia officials indicated that they interpret Virginia regulation V816.71(a) to mean that all excess spoil, whether it comes from actual coal removal or the construction of diversions, must be disposed of in accordance with the Virginia regulations on excess spoil disposal.

VCBR commented with regard to condition (j) that Virginia's amended procedures for elimination of temporary diversions are not as effective as the procedures called for in the Federal regulations. The Secretary finds that Virginia has satisfied condition (j) by revising its program to delete the language in its Coal Surface Mining Technical Handbook, Standards and Specifications for Diversion Ditches, Abandonment Procedures Items 1 and 4 regarding the elimination of temporary diversions to make the State program no less effective than the Federal regulations at 30 CFR 816.43(e), 30 CFR 816.44 (c) and (d), 30 CFR 817.43(e) and 30 CFR 817.44 (c) and (d).

VCBR commented with regard to condition (1) that Virginia's amended regulation V843.12(f) includes the two requirements of 30 CFR 843.12(f) but that nevertheless V843.12(f) still allows the regulatory authority to grant extensions to the 90-day abatement period for reasons other than those included in the Federal rule. In Finding 4j(ii) of the December 15, 1981 Federal Register, the Secretary found that the Virginia regulations at V843.12(f) were inconsistent with 30 CFR 843.12(f). Virginia's provisions were found inconsistent because the Virginia regulations did not limit the granting of extensions to situations where, due to climatic conditions, abatement within 90 days would clearly cause more environmental harm than it would prevent or require action that would violate safety standards established by statute or regulation under the Mine Safety and Health Act. Virginia's revised regulations at V843.12(f)(4) now contain the above two requirements which the Secretary finds consistent with 30 CFR 843.12(f).

Additional Determinations

The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 6, and 8 of Executive Order 12291 for all actions taken to approve or conditionally approve State regulatory programs, actions or amendments. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

Pursuant to the Regulatory Flexibility Act, Pub. L. 96-354, I have certified that this rule will not have a significant economic impact on a substantial number of small entities.

On November 8, 1982, the Administrator of the Environmental Protection Agency transmitted her written concurrence on the amendments approved in this document as they relate to air or water quality standards promulgated under the authority of the Federal Clean Water Act, as amended (33 U.S.C. 1151 *et seq.*), and the Clean Air Act, as amended (42 U.S.C. 1857 *et seq.*).

List of Subjects in 30 CFR Part 946

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Therefore, Part 946 of 30 CFR Chapter VII is amended as set forth herein.

Dated: December 3, 1982.

Daniel N. Miller, Jr.

Assistant Secretary for Energy and Minerals.

PART 946--[AMENDED]

1. Part 946 of Title 30 is amended by revising § 946.10 to read as follows:

§ 946.10 State regulatory program approval.

The Virginia State Program, as submitted on March 3, 1980, as amended and clarified on June 16, 1980, as resubmitted on August 13, 1981, and clarified in a meeting with OSM on September 21 and 22, 1981, and in a letter to the Director of the Office of Surface Mining on October 15, 1981, was conditionally approved, effective December 15, 1981. Beginning on that date, the Department of Conservation and Economic Development, Division of Mined Land Reclamation, was deemed the regulatory authority in Virginia for all surface coal mining and reclamation operations and all exploration operations on non-Federal and non-Indian lands. Beginning on July 21, 1982, August 19, 1982, and September 21, 1982, the program also included program amendments submitted on January 28, July 9, and July 8, 1982, respectively. Further, beginning on December 13, 1982 the program includes program

amendments submitted on August 13, 1982. Copies of the conditionally approved program, as amended, are available for review at:

Virginia Division of Mined Land Reclamation,
Drawer U, 622 Powell Avenue, Big Stone
Gap, Virginia 24219

Virginia Department of Conservation and
Economic Development, 1100 State Office
Building, Richmond, Virginia 23219

Office of Surface Mining Reclamation and
Enforcement, Flannagan and Carroll
Streets, Lebanon, Virginia 24286
Office of Surface Mining Reclamation and
Enforcement, Room 5315, 1100 L Street
NW., Washington, D.C. 20240.

§ 946.11 [Amended]

2. Section 946.11 conditions of State regulatory approval, is amended by removing and reserving paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (l), (m), (n), (o), (p) and (s).

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 2248-5]

Approval and Promulgation of Implementation Plans; Michigan

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: EPA announces final rulemaking on a revision to the Michigan State Implementation Plan (SIP). This revision approves Consent Order No. 06-1981 for the Clark Oil and Refining Corporation which establishes a detailed compliance schedule containing increments of progress. The final compliance date of December 31, 1982 is consistent with the attainment date for the ozone National Ambient Air Quality Standard (NAAQS). This revision is based upon Michigan's commitment to submit detailed compliance schedules related to EPA's conditional approval of Michigan's Rule 336.1603 (May 6, 1980, 45 FR 29790).

DATE: This action is effective February 11, 1983, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of this revision to the Michigan SIP are available for inspection at: The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C.

Copies of the SIP revision and other materials relating to this rulemaking are available for inspection at the following

addresses: (It is recommended that you telephone Ms. Toni Lesser, at (312) 886-6037 before visiting the Region V Office).

Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460
Michigan Department of Natural Resources, Air Quality Division, 7150 Harris Drive, Lansing, Michigan 48909.

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT:

Ms. Toni Lesser, Air Programs Branch, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6037.

SUPPLEMENTARY INFORMATION: On July 28, 1982, the State of Michigan submitted Consent Order No. 06-1981 as a revision to its SIP for the Clark Oil and Refining Corporation concerning volatile organic compound (VOC) emissions from the company's truck gasoline loading rack. Clark Oil is located in the City of Marshall, County of Calhoun.

Michigan's R336.1603 requires individual sources to submit compliance schedules containing specified increments of progress, for achieving compliance with VOC emission limits in Part 6 of the Commission's Rules. On May 6, 1980 (45 FR 29790) EPA conditionally approved R336.1603. The condition was that the State submit the individual compliance schedules to EPA as revisions to the SIP in order that the SIP conform to the requirements of 40 CFR § 51.1(Q) and 51.15.

Consent Order No. 06-1981 for Clark Oil consists of a detailed compliance schedule for achieving the VOC emission limit of 0.7 pounds of organic vapor per 1000 gallons of organic compounds load in R336.1609, which contains the following increments:

(1) Dates by which the company shall submit plans and specifications and applications for an installation permit,

(2) Dates for control device manufacturers' orders,

(3) Dates for notification of installation,

(4) Dates for notification of equipment operation,

(5) Date for submission of detailed report of equipment testing, and

(6) Date by which proof of attainment of the required VOC emission limitations shall be submitted.

Items 1 and 2 listed above have been completed. The final compliance date is December 31, 1982. This final compliance date is consistent with R336.1609 and the required attainment date for the ozone NAAQS. In addition, this revision will not adversely impact reasonable further progress (RFP).

We have reviewed this compliance plan and find it to be consistent with 40 CFR 51.1(Q) and 51.15. Therefore, EPA is proposing approval of this SIP revision.

Because EPA considers today's action noncontroversial and routine, we are approving it today without prior proposal. The action will become effective on February 11, 1983. However, if we receive notice by January 12, 1983 that someone wishes to submit critical comments, then EPA will publish: (1) a notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

Under Executive Order 12291, today's action is not "Major".

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 11, 1983. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

Note.—Incorporation by reference of the State Implementation Plan for the State of Michigan was approved by the Director of the Federal Register on July 1, 1982.

(Sec. 110 of the Clean Air Act, as amended (42 U.S.C. 7410))

Dated: December 8, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart X—Michigan

1. Section 52.1170 is amended by adding paragraph (c)(62) as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(62) On July 28, 1982, the State of Michigan submitted Consent Order No. 06-1981 for the Clark Oil and Refining Corporation for volatile organic compound (VOC) emissions. This revision is a detailed compliance schedule containing increments of progress with a final compliance date of December 31, 1982 and an emission limitation of 0.7 pound of organic vapor per 1000 gallons of organic compound load.

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2. Section 52.1175 is amended in the table to paragraph (e) by adding a compliance schedule for the Clark Oil and Refining Corporation alphabetically by county to read as follows:

§ 52.1175 Compliance schedules.

* * * * *

(e) * * *

MICHIGAN—CALHOUN COUNTY

| Source | Location | Regulations involved | Date schedule adopted | Final compliance date |
|------------------------------|---------------------|---------------------------|-----------------------|-----------------------|
| Clark Oil and Refining Corp. | Calhoun County..... | R336.1603 R336.1609 | May 14, 1982 | Dec. 31, 1982. |

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